

REMARKS

This paper is in response to the Office Action mailed December 12, 2003. By this paper, claims 1, 5, 6, 12, 19 and 27 are amended. Accordingly, claims 1-27 are pending upon entry of is amendment.

Response to Objection to the Drawings

Applicants submit herewith the attached sheets of formal drawings to replace the original informal drawings. The attached sheets of drawings includes changes to Figs. 7, 8 and 9. In Figure 7, previously omitted element 135 has been added. In Figs. 8 and 9, the platform of the vehicle previously identified with the reference element 74 has been correctly identified with the reference element 76 consistent with the written description. No new matter has been added.

Response to Rejection of Claims 1-19

Claim 1 in the application stands rejected as being anticipated by Forsyth (U.S. Patent No. 5,794,733). Claim 1 is directed to a tank configured to fit on the platform of an associated vehicle. As described, the associated vehicle has a platform having a side-to-side length L4. The platform also has first and second wheel wells positioned substantially opposite each other such that there is a length L2 between the wheel wells. The apparatus includes a tank configured so as to fit on the platform and can be moved from the front to the rear of the platform without interference from the wheel wells. More particularly, claim 1, as amended, is directed to an apparatus comprising, *inter alia*:

- a tank having a bottom portion and a top portion, said bottom portion having a length L1 and said top portion having a length L3;
- said bottom portion of said tank being adapted to be received by the platform;
- and,
- wherein said length L1 is less than the length L2 and said length L3 is less than the length L4 but greater than the length L2.

Claim 1, as amended, is novel and patentable over the references of record, and particularly over Forsyth, because the cited art does not show or suggest a tank having a bottom portion and a top portion, said bottom portion having a length L1 and said top portion having a length L3, said bottom portion of said tank being adapted to be received by the platform and wherein the length L1 is less than the length L2 and the length L3 is greater than the length L2 as required by claim 1.

Forsyth discloses a fire fighting apparatus which can be mounted onto a pick-up truck. The apparatus contains a supply tank and various components arranged in a generally rectangular configuration to minimize the space requirements of the apparatus. ('855 patent, Figure 3). As can be clearly seen, the supply tank disclosed by Forsyth does not have a bottom portion that is adapted to be received by the platform of the pick-up truck and fit between the wheel wells and an upper portion that is wider than the distance between the wheel wells. Thus, the reference fails entirely to teach or suggest a tank having a bottom portion having a length L1 and a top portion having a length L3, said bottom portion of said tank being adapted to be received by the platform and wherein the length L1 is less than the length L2 and the length L3 is greater than the length L2 as required by claim 1. As set forth in Applicant's specification, one advantage of the current invention a tank that can be easily moved past the wheel wells that also has a top portion that increases the volume of the tank, thus enabling the tank to store more chemicals. (See Specification, paragraph 0029 and 0032).

Accordingly, claim 1 is not anticipated by or made obvious by the cited reference and favorable consideration of claim 1 is respectfully requested. Independent claims 9 and 18 contain limitations similar to those of claim 1 and are likewise patentable over the cited art. Claims 2-8, 10-17 and 19, depending directly or indirectly from one of claims 1, 9 or 18, are submitted as patentable over the cited references for at least the same reasons.

Conclusion

In view of the remarks made herein, Applicant submits that the claims presented herein are patentably distinguishable from the art applied and prompt allowance of the application is respectfully requested.

Should the Examiner determine that anything else is desirable to place this application in even better form for allowance, the Examiner is respectfully requested to contact the undersigned by telephone.

Respectfully Submitted,

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